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Agenda item 127

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Eduardo Manuel da Fonseca Fernandes **Ramos** (Portugal)

I. Introduction

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 127 appear in the report of the Committee contained in document A/55/691.

2. The Fifth Committee resumed its consideration of the item at its 45th, 46th and 50th meetings, on 14, 15 and 22 March 2001. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/55/SR.45, 46 and 50).

3. For its further consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing the proposed resource requirements for 2001 for the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/55/517/Add.1);

(b) Report of the Secretary-General on the conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia (A/55/756);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions (A/55/806).

01-30440 (E) 280301

II. Consideration of proposals

A. Draft resolution A/C.5/55/L.42

4. At the 50th meeting, on 22 March, the representative of Norway, coordinator of the informal consultations on this item, introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/55/L.42), which was submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/55/L.42 without a vote (see para. 8, draft resolution I).

B. Draft resolution A/C.5/55/L.43

6. At the 50th meeting, on 22 March, the representative of Norway, coordinator of the informal consultations on this item, introduced a draft resolution entitled "Conditions of service and compensation for the ad litem judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/55/L.43), which was submitted by the Chairman on the basis of informal consultations.

7. At the same meeting, the Committee adopted draft resolution A/C.5/55/L.43 without a vote (see para. 8, draft resolution II).

III. Recommendations of the Fifth Committee

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

[1] A/55/517 and Corr.1 and Add.1.

[2] A/55/806.

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which was resolution 55/225 of 23 December 2000,

Recalling also its resolution 55/__ on the conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia,

1. *Takes note* of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and the recommendations of the Advisory Committee contained in paragraph 19 of its report;[2]

2. *Authorizes* the Secretary-General to enter into commitments in an amount not to exceed 5,280,900 United States dollars gross (4,899,400 dollars net) for the resource requirements of the Tribunal to support ad litem judges for the year 2001, and requests the Secretary-General to report thereon at its fifty-sixth session.

Draft resolution II

Conditions of service and compensation for the ad litem judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Recalling section VIII, paragraphs 4 to 6, of its resolution 53/214 of 18 December 1998 on the conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and paragraph 8 of its resolution 55/225 of 23 December 2000 on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Having considered the report of the Secretary-General on the conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

1. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions on the emoluments, travel

[3] A/55/756.
[4] A/55/806.

and subsistence regulations and disability payments for the ad litem judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991;

2. *Decides* to review, in conjunction with the comprehensive review of the emoluments, pensions and other conditions of service for the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia and the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, to be undertaken at its fifty-sixth session, in accordance with its resolution 53/214, the emoluments and other conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia.

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Fifty-fifth session
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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

Rapporteur: Mr. Eduardo Manuel da Fonseca Fernandes **Ramos** (Portugal)

I. Introduction

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 127 appear in the reports of the Committee contained in document A/55/691 and Add.1.

2. The Fifth Committee resumed its consideration of the item at its 55th meeting, on 30 March 2001. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary record (A/C.5/55/SR.55).

3. For its further consideration of the item, the Committee had before it a note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the audit and investigation of the International Tribunal for the Former Yugoslavia (A/54/120).

II. Consideration of draft decision A/C.5/55/L.52

4. At the 55th meeting, on 30 March, the representative of Norway, coordinator of the informal consultations on this item, introduced a draft decision entitled "Report of the Office of Internal Oversight Services on the audit and investigation of the International Tribunal for the Former Yugoslavia" (A/C.5/55/L.52), which was submitted by the Chairman on the basis of informal consultations.

01-31802 (E) 040401

5. At the same meeting, the Committee adopted draft decision A/C.5/55/L.52 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft decision:

Report of the Office of Internal Oversight Services on the audit and investigation of the International Tribunal for the Former Yugoslavia

The General Assembly notes the report of the Office of Internal Oversight Services on the audit and investigation of the International Tribunal for the Former Yugoslavia.[1]

[1] A/54/120.